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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,498	11/24/2000	Renford Heaysman	367.39322X00	2503

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EXAMINER

MILLER, BRANDON J

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 06/07/2004

19

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/718,498

Applicant(s)

HEAYSMAN, RENFORD

Examiner

Brandon J Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Response to Amendment*

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giel in view of Peuhu.

Regarding claim 1 Giel teaches a radiotelephone handset, including a display and a keypad; a cover movable between a closed position and an open position in which the keypad is accessible to the user (see col. 3, lines 1-5 & 1-15). Giel teaches lighting the display and keypad in response to the position the cover (see col. 3, lines 16-20 and col. 4, lines 26-58). Giel does not specifically teach lighting the display and keypad to an extent limited by the position of the cover. Peuhu teaches lighting a display to an extent limited by the segments of the display that become visible (see col. 4, lines 32-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include lighting the display and keypad to an extent limited by the position of the cover because this would allow for an improved display and keypad operation in a portable radiotelephone handset with an open/close type display.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giel in view of Peuhu and Ulveland.

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Regarding claim 2 Giel and Peuhu teach a device as recited in claim 1 except for a cover that when in a closed position, the display and all the keys of the keypad are obscured by the cover, and a cover that when in a closed position, the lighting means is not operable to provide any light. Ulveland teaches a cover for a radiotelephone that is movable from between a closed position and an open position and that when in a closed position the display and all the keys of the keypad are obscured by the cover (see col. 3, lines 38-45 and FIGS. 2-4). Giel does teach a cover that when in a closed position, has lighting means, which is not operable to provide any light (see col. 3, lines 13-18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include a cover that when in a closed position, the display and all the keys of the keypad are obscured by the cover, and a cover that when in a closed position, the lighting means is not operable to provide any light because this would allow for improved control of back-light lamps in a flip-type portable telephone.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giel in view of Peuhu and Metroka.

Regarding claim 3 Giel and Peuhu teach a device as recited in claim 1 except for a cover that when in a closed position, all the keys of a keypad, but not the display, are obscured by a cover and providing lighting to a display when a cover is in a closed position. Giel does teach a cover that when in a closed position, all of the keys of the keypad, but not the display, are obscured by the cover (see col. 3, lines 13-16 and FIG. 1). Metroka does teach providing light to a display when a cover is in a closed position (see col. 7, lines 46-51). It would be have been obvious to one of ordinary skill in the art to make the invention adapt to include a cover that when in a closed position, all the keys of a keypad, but not the display, are obscured by a cover

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and providing lighting to a display when a cover is in a closed position because this would allow for a radiotelephone handset with an open/close type display in which information can be seen from a closed state.

Claims 4-7 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giel in view of Peuhu and Nagai.

Regarding claim 4 Giel and Peuhu teach a device as recited in claim 1 except for a cover that when in a closed position, has some but not all of the keys of a keypad and not the display obscured by a cover and when the cover is in a closed position, the lighting means can light only the display and those keys of the keypad not obscured by a cover. Nagai teaches a cover that when in a closed position, has some but not all of the keys of a keypad obscured by a cover (see col. 2, lines 10-14). Nagai also teaches a sliding cover for a portable phone able to obscure part of a housing body and keypad by slidably moving the cover through curved surfaces (see pg. 7, lines 40-58 and Fig. 7). Giel does teach lighting a display and keypad in response to the position of a cover (see col. 3, lines 16-20 and col. 4, lines 26-58). Peuhu does teach a display lighting means that only lights part of a display (see col. 4, lines 32-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include a cover that when in a closed position, has some but not all of the keys of a keypad and not the display obscured by a cover and when the cover is in a closed position, the lighting means can light only the display and those keys of the keypad not obscured by a cover because this would allow for a radiotelephone handset with an open/close type display in which information can be seen from a closed state.

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Regarding claim 5 Nagai teaches a radiotelephone handset with a cover that has a slide (see pg. 7, lines 39-43).

Regarding claim 6 Nagai teaches a radiotelephone handset with a cover that has a flip (see pg. 30-38).

Regarding claim 7 Giel teaches a method of controlling a radiotelephone handset including a user-movable cover and user input interface lighting, wherein the user input interface lighting is activated only when the user input interface is not hidden by the cover as determined by a detected position of the cover (see col. 3, lines 1-5 & 1-20 and col. 4, lines 26-58). Giel does not specifically teach portions of the user interface not hidden by the cover as determined by a detected estimate of the position. Peuhu teaches lighting a display to an extent limited by the segments of the display not hidden as determined by a detected estimate of its position (see col. 4, lines 32-35). Nagai teaches a cover that when in a closed position, has some but not all of the keys of a keypad obscured by a cover (see col. 2, lines 10-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include portions of the user interface not hidden by the cover as determined by a detected estimate of the position because this would allow for an improved display and keypad operation in a portable radiotelephone handset with an open/close type display.

Regarding claim 10 Giel teaches a radiotelephone handset, including a display and a keypad (see col. 3, lines 1-5 & 1-15). Giel teaches a cover movable between a closed position and an open position in which the keypad is accessible to the user; and means for lighting the display and keypad in dependence upon the position the cover (see col. 3, lines 16-20 and col. 4, lines 26-58). Giel teaches lighting means that are only operable when the keypad is not hidden

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by the cover (see col. 3, lines 13-18). Giel does not specifically teach a portion of a keypad that is hidden by the cover as determined by an estimate of the position of the cover. Peuhu teaches lighting a display to an extent limited by the segments of the display not hidden as determined by a detected estimate of its position (see col. 4, lines 32-35). Nagai teaches a cover that when in a closed position, has some but not all of the keys of a keypad obscured by a cover (see col. 2, lines 10-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include lighting the display and keypad to an extent limited by the position of the cover because this would allow for an improved display and keypad operation in a portable radiotelephone handset with an open/close type display.

Regarding claim 11 Giel teaches a radiotelephone handset, including a display and a keypad (see col. 3, lines 1-5 & 1-15). Giel teaches a cover movable between a closed position and an open position in which the keypad is accessible to the user; and means for lighting the display and keypad in dependence upon the position the cover (see col. 3, lines 16-20 and col. 4, lines 26-58). Giel teaches lighting means that are only operable when the keypad is not hidden by the cover (see col. 3, lines 13-18). Giel does not specifically teach a cover in a first position, illuminating a first portion of a keypad and display while a second portion of the keypad remains without illumination, and, when the cover is in a second position, illuminating the first and second portions of the keypad. Peuhu teaches illuminating a first portion of a display while a second portion of the display remains without illumination, and when the display is in a second position, illuminating the first and second portions of the display (see col. 4, lines 21-24 & 32-35). Nagai also teaches a sliding cover for a portable phone able to obscure part of a housing body and keypad by slidably moving the cover through curved surfaces (see pg. 7, lines 40-58

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and Fig. 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include a keypad in a first position, illuminating a first portion of a keyboard and display while a second portion of the keypad remains without illumination, and, when the cover is in a second position, illuminating the first and second portions of the keypad because this would allow for an improved display and keypad operation in a portable radiotelephone handset with an open/close type display.

Regarding claim 12 Nagai teaches a sliding cover for a portable phone able to move between multiple positions between a closed and fully open position (see pg. 7, lines 40-58 and Fig. 7).

Regarding claim 13 Nagai teaches radiotelephone with a cover in the fully open position (see pg. 7, lines 40-58 and Fig. 7).

Regarding claim 14 Nagai teaches a sliding cover for a portable phone able have a first portion of a keypad exposed, while the second portion of the keypad is covered (see pg. 7, lines 40-58 and Fig. 7).

### ***Response to Arguments***

Applicant's arguments with respect to claim 1-7 and 10-14 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5



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USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Giel and Peuhu are combinable in that they both relate to mobile communication display devices and the combination would allow for improved display operation in a portable radiotelephone handset with an open/close type function.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

He U.S. Patent 6,323,849 discloses a display module with reduced power consumption.

Hattori U.S. Patent 5,638,441 discloses a portable telephone apparatus with rotatable cover allowing enhanced option key access.

Miyashita European Patent 0 682 434 discloses a portable telephone set.

Crisp U.S. Patent 6,282,436 discloses a portable telephone.

Boesen U.S. Patent 6,542,721 discloses a cellular telephone person digital assistant and pager unit.

Lee U.S. Patent 6,243,595 discloses a portable wireless communication device having an extendible section.

Bowen U.S. Patent 6,052,606 discloses a reversible keypad and display for a telephone handset.

Alanen et al. U.S. Patent 6,547,274 discloses a radio telephone with initial delay before performing a predetermined function.

Norman et al. U.S. Patent 6,073,027 discloses a portable radiotelephone with sliding cover and automatic antenna extension.

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Lee et al. U.S. Patent 6,243,595 discloses a portable wireless communication device having an extendible section.

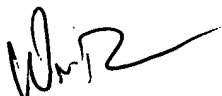
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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May 21, 2004

  
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